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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |      |                        |              |
|--|------|------------------------|--------------|
| Total Number of Pages in This Submission | 6 ** | Attorney Docket Number | 10005.001810 |
|--|------|------------------------|--------------|

## ENCLOSURES (check all that apply)

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|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br><br>PTO SB-08ab;<br>Copy of cited refs.: N, O, & P docs. only;<br>Return Receipt Postcard |
| <b>Remarks</b> <b>** does not include pages of cited references</b>   |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                         |          |        |
|--------------|-------------------------|----------|--------|
| Firm         | OKAMOTO & BENEDICTO LLP |          |        |
| Signature    |                         |          |        |
| Printed Name | Patrick D. Benedicto    |          |        |
| Date         | December 19, 2006       | Reg. No. | 40,909 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |                      |
|-----------------------|----------------------|
| Signature             |                      |
| Typed or printed name | Patrick D. Benedicto |
| Date                  | December 19, 2006    |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jeffrey A. McFadden

Serial No.: 10/725,192

Filed: December 1, 2003

Title: Delivery of Advertising to  
Telephone Users

Examiner: not yet known

Art Unit: 3622

Atty. Dkt. No.: 10005.001810

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

**Under 37 C.F.R. §1.56 and §§1.97-98**

Sir:

Pursuant to the provisions of 37 CFR 1.56 and §§1.97-98, enclosed herewith is form PTO/SB/08 (substitute for form 1449A/PTO) listing references which may be material to the examination of this application, and with respect to which there may be a duty to disclose. The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

A copy of each listed reference is enclosed herewith, unless no such copy is required pursuant to 37 CFR § 1.98(d).

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby listed but are not required to be provided in this application under 37 CFR § 1.98(d).

Pursuant to 37 CFR §1.97, this Information Disclosure Statement is being submitted under the section indicated below.

- 37 CFR §1.97(b).
- 37 CFR §1.97(c). If so, then either:
  - Applicant certifies pursuant to 37 CFR § 1.97(e) that either:
    - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56 (c) more than three months prior to the filing of this Statement.
- OR
- Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).
- 37 CFR § 1.97(d). If so, then both:
  - Applicant certifies pursuant to 37 CFR § 1.97(e) that either:
    - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
- AND
- Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

Consideration of the listed references and favorable action are respectfully solicited.

Respectfully submitted,

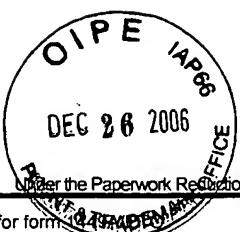
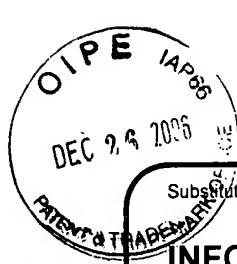
Jeffrey A. McFadden

Dated: December 19, 2006

By: Patrick D. Benedicto

Patrick D. Benedicto, Reg No. 40,909  
Attorney For Applicant(s)  
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P.O. Box 641330  
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Tel.: (408) 436-2110  
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| CERTIFICATE OF MAILING   |   |        |                   |
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| I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. |   |        |                   |
| Signature:   |  |        |                   |
| Typed or Printed Name:   | Patrick D. Benedicto  | Dated: | December 19, 2006 |
| Express Mail Mailing Number<br>(optional):   |   |        |                   |



PTO/SB/08A (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

Approved for use through 06/30/2007 GPO 2001-500

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Substitute for form 104-SPADES

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 1 of 2

| Complete if Known      |                     |
|------------------------|---------------------|
| Application Number     | 10/725,192          |
| Filing Date            | December 1, 2003    |
| First Named Inventor   | Jeffrey A. McFadden |
| Art Unit               | 3622                |
| Examiner Name          | unknown             |
| Attorney Docket Number | 10005.001810        |

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

|                               |  |                            |  |
|-------------------------------|--|----------------------------|--|
| <b>Examiner<br/>Signature</b> |  | <b>Date<br/>Considered</b> |  |
|-------------------------------|--|----------------------------|--|

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|  |   |                               |                     |
|--|---|-------------------------------|---------------------|
| Substitute for form 1449B/PTO                            |   | <i>Complete if Known</i>      |                     |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   | <i>Application Number</i>     | 10/725,192          |
|  |   | <i>Filing Date</i>            | December 1, 2003    |
|  |   | <i>First Named Inventor</i>   | Jeffrey A. McFadden |
|  |   | <i>Art Unit</i>               | 3622                |
|  |   | <i>Examiner Name</i>          | unknown             |
| (Use as many sheets as necessary)                        |   |                               |                     |
| Sheet  | 2 | of                            | 2                   |
|  |   | <i>Attorney Docket Number</i> |                     |
|  |   | 10005.001810                  |                     |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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